

fish and shellfish eligible for purchase under the Section 32 program;

(B) to purchase and distribute agricultural commodities (including fresh produce, dairy, eggs, meat, farm-raised fish, and wild fish and shellfish) to individuals in need, including through delivery to nonprofit organizations and through restaurants and other food-related entities, as determined by the Secretary, that may receive, store, process, and distribute food items;

(C) to make grants and loans for small or mid-sized food processors or distributors (including facilities and vessels that process farm-raised fish and wild fish and shellfish in fulfilling Section 32 contracts), farmers markets, producers, or other organizations to respond to COVID-19, including for measures to protect workers against COVID-19;

(D) to make loans and grants and provide other assistance to maintain and improve food and agricultural supply chain resiliency; and

(E) to make payments to agricultural producers for necessary expenses related to losses of crops (including quality losses and crops prevented from planting), milk, trees, bushes, and vines—

(i) that occurred in calendar year 2020 as a consequence of high winds or derechos, hurricanes, tropical storms, floods, tornadoes, wildfires, excessive moisture, and extreme drought; and

(ii) that occurred in calendar year 2021 as a consequence of Winter Storms Uri and Viola (including freeze), including such losses to cooperatives due to power outages and power curtailments (in the same manner as disaster assistance provided to cooperatives for 2018 and 2019 losses).

(2) DEFINITIONS.—In this subsection:

(A) FARM-RAISED FISH.—The term “farm-raised fish” has the meaning given the term in section 60.106 of title 7, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(B) SECTION 32.—The term “Section 32” has the meaning given the term in section 250.2 of title 7, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(C) WILD FISH AND SHELLFISH.—The term “wild fish and shellfish” has the meaning given the term in section 60.133 of title 7, Code of Federal Regulations (as in effect on the date of enactment of this Act).

**SA 972.** Mr. SANDERS (for himself, Mr. SCHUMER, Mrs. MURRAY, Mr. WYDEN, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CASEY, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. HIRONO, Mr. KAINE, Mr. LEAHY, Mr. MARKEY, Mr. MERKLEY, Mr. MURPHY, Mr. OSSOFF, Mr. PADILLA, Mr. PETERS, Mr. REED, Mr. SCHATZ, Ms. SMITH, Mr. VAN HOLLEN, Mr. WARNOCK, Ms. WARREN, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

**Subtitle M—Increasing the Federal Minimum Wage**

**SEC. 2931. SHORT TITLE.**

This subtitle may be cited as the “Raise the Wage Act of 2021”.

**SEC. 2932. MINIMUM WAGE INCREASES.**

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

“(1) except as otherwise provided in this section, not less than—

“(A) \$9.50 an hour, beginning on the effective date under section 2937 of the Raise the Wage Act of 2021;

“(B) \$11.00 an hour, beginning 1 year after such effective date;

“(C) \$12.50 an hour, beginning 2 years after such effective date;

“(D) \$14.00 an hour, beginning 3 years after such effective date;

“(E) \$15.00 an hour, beginning 4 years after such effective date; and

“(F) beginning on the date that is 5 years after such effective date, and annually thereafter, the amount determined by the Secretary under subsection (h);”.

(b) DETERMINATION BASED ON INCREASE IN THE MEDIAN HOURLY WAGE OF ALL EMPLOYEES.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

“(h)(1) Not later than each date that is 90 days before a new minimum wage determined under subsection (a)(1)(F) is to take effect, the Secretary shall determine the minimum wage to be in effect under this subsection for each period described in subsection (a)(1)(F). The wage determined under this subsection for a year shall be—

“(A) not less than the amount in effect under subsection (a)(1) on the date of such determination;

“(B) increased from such amount by the annual percentage increase, if any, in the median hourly wage of all employees as determined by the Bureau of Labor Statistics; and

“(C) rounded up to the nearest multiple of \$0.05.

“(2) In calculating the annual percentage increase in the median hourly wage of all employees for purposes of paragraph (1)(B), the Secretary, through the Bureau of Labor Statistics, shall compile data on the hourly wages of all employees to determine such a median hourly wage and compare such median hourly wage for the most recent year for which data are available with the median hourly wage determined for the preceding year.”.

**SEC. 2933. TIPPED EMPLOYEES.**

(a) BASE MINIMUM WAGE FOR TIPPED EMPLOYEES AND TIPS RETAINED BY EMPLOYEES.—Section 3(m)(2)(A)(i) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)(2)(A)(i)) is amended to read as follows:

“(i) the cash wage paid such employee, which for purposes of such determination shall be not less than—

“(I) for the 1-year period beginning on the effective date under section 2937 of the Raise the Wage Act of 2021, \$4.95 an hour;

“(II) for each succeeding 1-year period until the hourly wage under this clause equals the wage in effect under section 6(a)(1) for such period, an hourly wage equal to the amount determined under this clause for the preceding year, increased by the lesser of—

“(aa) \$2.00; or

“(bb) the amount necessary for the wage in effect under this clause to equal the wage in effect under section 6(a)(1) for such period, rounded up to the nearest multiple of \$0.05; and

“(III) for each succeeding 1-year period after the increase made pursuant to subclause (II), the minimum wage in effect under section 6(a)(1); and”.

(b) TIPS RETAINED BY EMPLOYEES.—Section 3(m)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)(2)(A)) is amended—

(1) in the second sentence of the matter following clause (ii), by striking “of this subsection, and all tips received by such employee have been retained by the employee”

and inserting “of this subsection. Any employee shall have the right to retain any tips received by such employee”; and

(2) by adding at the end the following: “An employer shall inform each employee of the right and exception provided under the preceding sentence.”.

(c) SCHEDULED REPEAL OF SEPARATE MINIMUM WAGE FOR TIPPED EMPLOYEES.—

(1) TIPPED EMPLOYEES.—Section 3(m)(2)(A) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)(2)(A)), as amended by subsections (a) and (b), is further amended by striking the sentence beginning with “In determining the wage an employer is required to pay a tipped employee,” and all that follows through “of this subsection,” and inserting “The wage required to be paid to a tipped employee shall be the wage set forth in section 6(a)(1).”.

(2) PUBLICATION OF NOTICE.—Subsection (i) of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), as amended by section 2935, is further amended by striking “or in accordance with subclause (II) or (III) of section 3(m)(2)(A)(i)”.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on the date that is 1 day after the date on which the hourly wage under subclause (III) of section 3(m)(2)(A)(i) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)(2)(A)(i)), as amended by subsection (a), takes effect.

(d) PENALTIES.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) in the third sentence of subsection (b), by inserting “or used” after “kept”; and

(2) in the second sentence of subsection (e)(2), by inserting “or used” after “kept”.

**SEC. 2934. NEWLY HIRED EMPLOYEES WHO ARE LESS THAN 20 YEARS OLD.**

(a) BASE MINIMUM WAGE FOR NEWLY HIRED EMPLOYEES WHO ARE LESS THAN 20 YEARS OLD.—Section 6(g)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(g)(1)) is amended by striking “a wage which is not less than \$4.25 an hour,” and inserting the following: “a wage at a rate that is not less than—

“(A) for the 1-year period beginning on the effective date under section 2937 of the Raise the Wage Act of 2021, \$6.00 an hour;

“(B) for each succeeding 1-year period until the hourly wage under this paragraph equals the wage in effect under section 6(a)(1) for such period, an hourly wage equal to the amount determined under this paragraph for the preceding year, increased by the lesser of—

“(i) \$1.75; or

“(ii) the amount necessary for the wage in effect under this paragraph to equal the wage in effect under section 6(a)(1) for such period, rounded up to the nearest multiple of \$0.05; and

“(C) for each succeeding 1-year period after the increase made pursuant to subparagraph (B)(ii), the minimum wage in effect under section 6(a)(1).”.

(b) SCHEDULED REPEAL OF SEPARATE MINIMUM WAGE FOR NEWLY HIRED EMPLOYEES WHO ARE LESS THAN 20 YEARS OLD.—

(1) IN GENERAL.—Section 6(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(g)), as amended by subsection (a), shall be repealed.

(2) PUBLICATION OF NOTICE.—Subsection (i) of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), as amended by section 2933(c)(2), is further amended by striking “or subparagraph (B) or (C) of subsection (g)(1).”.

(3) EFFECTIVE DATE.—The repeal and amendment made by paragraphs (1) and (2), respectively, shall take effect on the date that is 1 day after the date on which the

hourly wage under subparagraph (C) of section 6(g)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(g)(1)), as amended by subsection (a), takes effect.

#### SEC. 2935. PUBLICATION OF NOTICE.

Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), as amended by the preceding sections, is further amended by adding at the end the following:

“(i) Not later than 60 days prior to the effective date of any increase in the required wage determined under subsection (a)(1) or subparagraph (B) or (C) of subsection (g)(1), or in accordance with subclause (II) or (III) of section 3(m)(2)(A)(i) or section 14(c)(1)(A), the Secretary shall publish in the Federal Register and on the website of the Department of Labor a notice announcing each increase in such required wage.”.

#### SEC. 2936. PROMOTING ECONOMIC SELF-SUFFICIENCY FOR INDIVIDUALS WITH DISABILITIES.

##### (a) WAGES.—

(1) TRANSITION TO FAIR WAGES FOR INDIVIDUALS WITH DISABILITIES.—Subparagraph (A) of section 14(c)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)(1)) is amended to read as follows:

“(A) at a rate that equals or exceeds, for each year, the greater of—

“(i) \$5.00 an hour, beginning on the effective date under section 2937 of the Raise the Wage Act of 2021;

“(II) \$7.50 an hour, beginning 1 year after such effective date;

“(III) \$10.00 an hour, beginning 2 years after such effective date;

“(IV) \$12.50 an hour, beginning 3 years after such effective date;

“(V) \$15.00 an hour, beginning 4 years after such effective date; and

“(VI) the wage rate in effect under section 6(a)(1), beginning 5 years after such effective date; or

“(ii) if applicable, the wage rate in effect on the day before the date of enactment of the Raise the Wage Act of 2021 for the employment, under a special certificate issued under this paragraph, of the individual for whom the wage rate is being determined under this subparagraph.”.

(2) PROHIBITION ON NEW SPECIAL CERTIFICATES; SUNSET.—Section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)) (as amended by paragraph (1)) is further amended by adding at the end the following:

“(6) PROHIBITION ON NEW SPECIAL CERTIFICATES.—Notwithstanding paragraph (1), the Secretary shall not issue a special certificate under this subsection to an employer that was not issued a special certificate under this subsection before the date of enactment of the Raise the Wage Act of 2021.

“(7) SUNSET.—Beginning on the day after the date on which the wage rate described in paragraph (1)(A)(i)(VI) takes effect, the authority to issue special certificates under paragraph (1) shall expire, and no special certificates issued under paragraph (1) shall have any legal effect.

“(8) TRANSITION ASSISTANCE.—Upon request, the Secretary shall provide—

“(A) technical assistance and information to employers issued a special certificate under this subsection for the purposes of—

“(i) assisting such employers to comply with this subsection, as amended by the Raise the Wage Act of 2021; and

“(ii) ensuring continuing employment opportunities for individuals with disabilities receiving a special minimum wage rate under this subsection; and

“(B) information to individuals employed at a special minimum wage rate under this subsection, which may include referrals to Federal or State entities with expertise in competitive integrated employment.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act.

##### (b) PUBLICATION OF NOTICE.—

(1) AMENDMENT.—Subsection (i) of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), as amended by section 2934(b)(2), is further amended by striking “or section 14(c)(1)(A),”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the day after the date on which the wage rate described in paragraph (1)(A)(i)(VI) of section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)), as amended by subsection (a)(1), takes effect.

#### SEC. 2937. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this subtitle, or the amendments made by this subtitle, this subtitle and the amendments made by this subtitle shall take effect on the first day of the third month that begins after the date of the enactment of this Act.

**SA 973.** Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

Strike section 1005 and insert the following:

#### SEC. 1005. BROADBAND INVESTMENT AND PAN-DEMIC RESPONSE FOR COMMUNITIES IN NEED.

In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2021, out of any amounts in the Treasury not otherwise appropriated—

(1) \$300,000,000, to remain available until September 30, 2022, to carry out chapter 1 of subtitle D of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.);

(2) \$400,000,000, to remain available until September 30, 2026, to carry out section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb);

(3) \$100,000,000, to remain available until September 30, 2026, to carry out section 602 of that Act (7 U.S.C. 950bb-1); and

(4) \$200,000,000, to remain available until September 30, 2026, to carry out section 604 of that Act (7 U.S.C. 950bb-3).

**SA 974.** Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

At the end of section 9501, insert the following:

#### (c) PROHIBITION ON FUNDING FOR ABORTIONS.—

(1) IN GENERAL.—Notwithstanding any of the previous provisions of (including amendments made by) this section, with respect to any COBRA continuation coverage that includes coverage for abortions (other than any abortion or treatment described in paragraph (2) or (3)), the provisions of subsection (a)(1), including through application of subsection (a)(4), shall not apply, premiums shall not be payable under subsection (a), and a credit under section 6432 of the Internal Revenue Code of 1986 shall not be allowed.

(2) CONSTRUCTION RELATING TO COMPLICATIONS ARISING FROM ABORTION.—Nothing in paragraph (1) shall be construed to apply to any coverage for the treatment of any infec-

tion, injury, disease, or disorder that has been caused by or exacerbated by the performance of an abortion. This rule of construction shall be applicable without regard to whether the abortion was performed in accord with Federal or State law, and without regard to whether funding for the abortion is permissible under paragraph (3).

(3) TREATMENT OF ABORTIONS RELATED TO RAPE, INCEST, OR PRESERVING THE LIFE OF THE MOTHER.—The limitations established under paragraph (1) shall not apply to an abortion—

(A) if the pregnancy is the result of an act of rape or incest; or

(B) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself.

#### (4) SEPARATE ABORTION COVERAGE OR PLAN ALLOWED.—

(A) OPTION TO PURCHASE SEPARATE COVERAGE OR PLAN.—Nothing in paragraph (1) shall be construed as prohibiting any individual from purchasing separate coverage for abortions described in such paragraph, or a health plan that includes such abortions, so long as no premium assistance or credit is allowed pursuant to this section, including amendments made by this section, with respect to the premiums for such coverage or plan.

(B) OPTION TO OFFER COVERAGE OR PLAN.—Nothing in paragraph (1) shall restrict any non-Federal health insurance issuer offering a health plan from offering separate coverage for abortions described in such paragraph, or a plan that includes such abortions, so long as premiums for such separate coverage or plan are not paid for with any amount attributable to the premium assistance or credit allowed pursuant to this section, including amendments made by this section.

(5) OFFERING IDENTICAL COVERAGE OPTION.—Notwithstanding any COBRA continuation provision, an issuer that offers COBRA continuation coverage that includes coverage of an abortion (other than an abortion or treatment described in paragraph (2) or (3)) shall also offer under the COBRA continuation provisions the same COBRA continuation coverage, except without inclusion of such coverage of abortion.

**SA 975.** Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

In section 9501(a)(1)(B)(ii), strike subclause (IV).

**SA 976.** Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

Strike section 9814 and insert the following:

#### SEC. 9814. TEMPORARY INCREASE IN FMAP FOR MEDICAL ASSISTANCE UNDER STATE MEDICAID PLANS WHICH BEGIN TO EXPEND AMOUNTS FOR CERTAIN MANDATORY INDIVIDUALS.

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by section 9811 of this subtitle, is further amended—